

By: Zaffirini

S.B. No. 65

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of funeral services, funeral homes, cemeteries, and crematories; imposing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 711.032, Health and Safety Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) On receiving information or evidence that gives the Texas Funeral Service Commission reason to believe that a cemetery organization may have violated or may be violating this section, the commission shall:

(1) notify the attorney general of the potential violation; and

(2) as appropriate, request that the attorney general bring an action for injunctive relief under Section 711.0515 or an action to collect a civil penalty under Subsection (d).

(d) A person who violates this section is liable for a civil penalty of not less than \$50 or more than \$25,000 for each violation. Each day of a continuing violation constitutes a separate violation. On request of the Texas Funeral Service Commission, the attorney general may institute an action to collect a civil penalty under this subsection.

(e) The attorney general may bring the action for injunctive relief or for a civil penalty in Travis County or in the county in which the violation of this section is alleged to have occurred.

1           SECTION 2. Section 711.0515, Health and Safety Code, is  
2 amended to read as follows:

3           Sec. 711.0515. ENFORCEMENT BY ATTORNEY GENERAL; INJUNCTIVE  
4 RELIEF. In addition to bringing an action under Section 711.051,  
5 the attorney general at the request of the Texas Funeral Service  
6 Commission or on the attorney general's own initiative may bring an  
7 action for injunctive relief to enforce this chapter or a rule or  
8 order adopted by the commission under this chapter.

9           SECTION 3. (a) Sections 711.032(c) and (d), Health and  
10 Safety Code, as added by this Act, apply only to a violation that  
11 occurs on or after the effective date of this Act. A violation that  
12 occurs before the effective date of this Act is governed by the law  
13 in effect on the date the violation was committed, and the former  
14 law is continued in effect for that purpose.

15           (b) Section 711.032(e), Health and Safety Code, as added by  
16 this Act, and Section 711.0515, Health and Safety Code, as amended  
17 by this Act, apply to an action brought on or after the effective  
18 date of this Act, regardless of whether the violation giving rise to  
19 that action occurred on, before, or after that date.

20           SECTION 4. This Act takes effect September 1, 2017.